

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED - GR

January 18, 2019 10:58 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: mkc SCANNED BY JAN 18 2019

JANE DOE,

Plaintiff,

v.

Case No. 1:18-cv1231

BEN CARSON, et al.,

Defendants.

HON. JANET T. NEFF

Magistrate Judge Ellen S. Carmody

**OBJECTION TO MAGISTRATE'S RECOMMENDATION
REGARDING PLAINTIFF'S MOTION TO RETAIN ANONYMITY**

“The Congress finds that (1)...many people with physical or mental disabilities have been precluded from” being able to “fully participate in all aspects of society...because of discrimination.” 42 U.S.C. §12101(a). “[H]istorically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a pervasive social problem;” 42 U.S.C. §12101(a)(2). “[D]iscrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services.” 42 U.S.C. §12101(a)(3). Historically, disabled persons had no recourse to redress discrimination. 42 U.S.C. §12101(a)(4). “[I]ndividuals with disabilities continually encounter various forms of discrimination, including outright exclusions, the discriminatory effects of...communication barriers,...failure to make modifications to existing...practices, exclusionary qualification

standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities.” 42 U.S.C. §12101(a)(5). “[C]ensus data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally.” 42 U.S.C. §12101(a)(6). “[T]he Nation’s proper goals regarding individuals with disabilities are to ensure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals;” 42 U.S.C. §12101(a)(7). “[T]he continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis....” 42 U.S.C. §12101(a)(8). Doe has quoted this text from the statute again (it was in the complaint) to bring to the court’s attention the accurate facts as to how disability exists in our society. Doesn’t seem necessary to point out that the stigma of mental illness is worse than not being able to walk.

The Magistrate suggests that medical records can be submitted under seal. Plaintiff fails to see how putting forth such official records under seal avoids revealing the fact of mental illness which is the main subject of every section of the complaint.

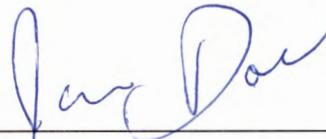
Magistrate suggests that the Court is to consider factors which include information “of the utmost intimacy.” Plaintiff is unaware of anywhere in 21st century America where illegitimacy, birth control or being an abandoned family is by the population considered information of the “utmost intimacy.” No one cares or is interested in those subjects. Announce any of those in your workplace and see the absence of shock and disdain. The courts need to function in this century. Many of them do.

It is very well-known that the stigma of mental illness is one of the worst ones in society.

Congress feels strongly enough about disability to write out the extensive statement above which is the reason for the law. I haven't seen that before. Congress writing out the reason for the law before stating the law itself. Would seem to indicate they feel strongly about it.

It seems ironic that the body to whom one goes to obtain redress for disability discrimination exempts itself from the requirement to grant accommodations. Using Jane Doe is an accommodation. No one in the general public cares about who Plaintiff is. But it is assured that if Plaintiff, who has tried many dozens of combinations of medications, is able to obtain a combination of medication that enables her to think clearly and function normally, she will still never be able to work again if the court insists on putting a permanent record on the internet of this illness in her real name.

Respectfully submitted,



Jane Doe
P.O. Box 230721
Grand Rapids, MI 49523
239.537.5966

CERTIFICATE OF SERVICE

On this date, Plaintiff has sent copies of this Objection via regular mail to:

Erik Graney
Attorney for Poleski
Michigan Dept of Attny Gen
P.O. Box 30754
Lansing, MI 48909

Jeanne Frances Long
Attorney for Carson and U.S.
Asst US Attorney
330 Ionia Ave., N.W., Suite 501
P.O. Box 208
Grand Rapids, MI 49503